

In re: ALLRED'S PRODUCE.
PACA Docket No. D-96-0531.
Order Lifting Stay filed March 13, 2000.

Jane McCavitt, for Complainant.
Kelly E. DeBerry, Fort Worth, Texas, for Respondent.
Order issued by William G. Jenson, Judicial Officer.

On December 5, 1997, I issued a Decision and Order concluding that Allred's Produce [hereinafter Respondent], willfully, repeatedly, and flagrantly violated section 2(4) of the Perishable Agricultural Commodities Act, 1930, as amended (7 U.S.C. § 499b(4)) [hereinafter the PACA], and revoking Respondent's PACA license. *In re Allred's Produce*, 56 Agric. Dec. 1884, 1892, 1919 (1997). On January 6, 1998, Respondent filed a petition for reconsideration, which I denied. *In re Allred's Produce*, 57 Agric. Dec. 799 (1998) (Order Denying Pet. for Recons.).

On April 2, 1998, Respondent requested a stay of the order in *In re Allred's Produce*, 56 Agric. Dec. 1884 (1997), pending the outcome of proceedings for judicial review, and on April 3, 1998, I granted Respondent's request for a stay. *In re Allred's Produce*, 57 Agric. Dec. 802 (1998) (Stay Order).

Respondent filed an appeal with the United States Court of Appeals for the Fifth Circuit, which affirmed the December 5, 1997, Decision and Order. *Allred's Produce v. United States Dep't of Agric.*, 178 F.3d 743 (5th Cir. 1999). Subsequently, Respondent filed a petition for writ of certiorari, which the Supreme Court of the United States denied. *Allred's Produce v. United States Dep't of Agric.*, 120 S.Ct. 530-31 (1999).

On January 31, 2000, the Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture [hereinafter Complainant], filed Motion to Lift Stay Order, which the Hearing Clerk served on Respondent on February 7, 2000. Respondent failed to file a response to Complainant's Motion to Lift Stay Order, and on March 10, 2000, the Hearing Clerk transmitted the record of the proceeding to the Judicial Officer for a ruling on Complainant's Motion to Lift Stay Order.

Proceedings for judicial review are concluded. Therefore, Complainant's Motion to Lift Stay Order is granted; the Stay Order issued on April 3, 1998, *In re Allred's Produce*, 57 Agric. Dec. 802 (1998) (Stay Order), is lifted; and the Order issued in *In re Allred's Produce*, 56 Agric. Dec. 1884 (1997), is effective, as follows:

Order

Respondent's PACA license is revoked, effective 65 days after service of this Order on Respondent.